



## TOWN OF BERWYN HEIGHTS

### Prince George's County, Maryland

Incorporated in 1896 ~ Sixth Oldest Municipality in PG County

### WORKSESSION MINUTES NOVEMBER 4, 2013

The meeting was called to order at 7:02 p.m. Present were Mayor Calvo, Mayor Pro Tem (MPT) Wilkinson, Councilmembers (CM) Almoguera, Dennison and Eddy. Also present were Town Administrator (TA) Murphy, Clerk Harper, and citizens.

#### 1. MAYOR

**Announcements:** The City of College Park and the City of Greenbelt will hold elections tomorrow. The Berwyn Heights Boys & Girls Club U-12 soccer team made the playoffs.

**Calendar:** The Council reviewed the calendar. The PGCMa regular December meeting was canceled, because the legislative dinner was rescheduled to December.

**Minutes:** On a motion by CM Dennison and second by MPT Wilkinson, the October 21 worksession minutes were approved 5 to 0.

**Department reports:** Mayor Calvo reported that he followed up on the Greenbelt Road school zone that was removed by SHA in October following the issuance of federal regulations regarding criteria for school zones. He spoke with Senator Pinsky about getting an exception from the regulations for the Greenbelt Road school zone. However, before reaching out to others, he received a call from SHA District 3 Engineer, Brian Young, who informed him that the school zone will be reinstated with expanded school hours, as requested by the Town. An unambiguous written confirmation is still outstanding. Mayor Calvo also requested a confirmation about resurfacing the Kenilworth/Pontiac Street intersection up to Edmonston Road but has not yet received a reply either. Further, he noted that the department director should be informed about the Council's decisions on Cost of Living Adjustments and merit increases so that they can communicate this to their employees.

CM Kulpa-Eddy said that she received a question from a resident on 62nd Avenue about the Town's permit requirements for home remodeling projects. Mayor and MPT Wilkinson said they also received the comment and will speak to it under Citizens' Comments. MPT Wilkinson reported that he took a series of pictures of the Greenbelt bus depot, which he forwarded to School Board Member Peggy Higgins. He hopes that she can help induce the PGCPs construction office to start a sidewalk project. MPT Wilkinson has pursued for over a year. Further, Public Works has completed the crack sealing of Town streets, and started the curbside collection with the vacuum machine. CM Dennison reported that Trunk or Treat was very well attended and prizes distributed to the three best decorated trunks. He also thanked the police and Neighborhood Watch for patrolling on Halloween and announced upcoming events.

Mayor Calvo said that the Prince George's County Municipal Association (PGCMA) has sent out surveys to all member municipalities on legislative priorities, which will be forwarded to the Council.

**Citizen comments:** MPT Wilkinson received many positive comments on the police and Neighborhood Watch presence during trick-or-treating. He also received a comment from a resident on 62nd Avenue who was under the mis-impression that no Town permits are required for home remodeling. Mayor Calvo elaborated that this resident spoke with a Code official about his remodeling plans several weeks ago, and was given to understand that he did not need a town permit in addition to the County permit he had already obtained. When he received a notice that he needed to get a Town permit after starting construction, he took his case to the Code Enforcement Officer. However, since then he has worked out a payment plan with TA Murphy, who currently serves as acting code director.

The resident had made the good suggestion on how to better inform residents about the building permit requirements; which is that the Town should have a flier that lists permit rules and fees that can be handed out to people who are doing work on their property. Besides information on building permits, the flier should also summarize the regulations regarding dumpster and POD permits.

**Infrastructure rating plan (discussed out of order):** Mayor Calvo welcomed Acting Director of Public Works Adrian Lockley to give an overview of the condition of Town streets. He explained that the Town established an infrastructure reserve a few years ago, in which it sets aside Highway User Revenue it receives from the State of Maryland and receipts from a 3 cent road tax to fund street repair projects. The money is saved up over a number of years before a new road repair project can be undertaken. In order to decide which roads should be part of the next project, Public Works in the past has used a rating system that periodically rates the condition of each street in Town.

Mr. Lockley said that his report focuses on the top 5 priorities, i.e. those sections of road that need the most urgent repairs.

- Priority 1: 6300 block of Seminole Street. This is a new priority 1, as the section has many types of cracking, pot holes, failing utility patches and raveling. The entire block has been crack-sealed and pot holes filled with cold patches to prolong the life of the street as best as possible.
- Priority 2: 6200 block of Quebec Place, which used to be priority 1, has become number 2 since WSSC repaved a good part of the block after replacing water sewer mains, and Public Works performed extensive crack-sealing.
- Priority 3: 8400 - 8600 blocks of Cunningham Drive, which have extensive alligator cracking and some cracking around utility patches. The entire section has been crack sealed.
- Priority 4: 8400 - 8600 blocks of 58th Avenue, which have extensive linear and spider cracking. The area has been crack-sealed.
- Priority 5: 8300 block of 58th Avenue going north from the western end of Nevada Street and serving one residence. There is extensive alligator cracking at the intersection with Nevada Street believed to result from a weak sub-base and poor drainage. No maintenance was done here as a drainage swale should be installed first. Mayor Calvo said that this block has no curbs and gutters, which contributes to the drainage problem. But this is not a critical road as it only serves one residence.

Other areas that need repairs include the intersection of Pontiac Street and Edmonston Road, which has deep ruts, cracks and raveling. SHA has been requested to resurface the area as part of the Kenilworth Avenue renovation going on now. Mr. Lockley has received confirmation that the SHA will resurface this intersection with the white line on Pontiac Street west of the intersection. He believes that these repairs will be made when the concrete work is done. SHA also agreed to resurface the access ramp to Edmonston Road at the 7 Eleven as part of the renovation of Greenbelt Road. The plans for the Route 193 renovation will be sent to the Town when they have been finalized. These access points will be turned over to the Town after the repairs.

Residents have noted that Edmonston at Berwyn Road also has a serious asphalt rippling problem where the buses stop. To properly repair these bus stop concrete pads should be installed to prevent future rippling. The cost of such repairs was included in the estimate of resurfacing the entire Town the Council was given several years ago.

In addition, Public Works has done work in some isolated areas where problems were found. This includes the intersection of Goucher Drive and Marietta Lane, which has extensive spider cracking around an old temporary utility patch and curb cut. Crack sealing was also done on the remainder of this block of Goucher Drive along Pontiac Street, as well as on Natasha Drive and Paxton Court. There is erosion and spider cracking at one of the Paxton Court properties has a drain pipe that empties out into grass before the curb. On Natasha the seam in the middle of the road is separating with one side sinking. A contractor will look at this and evaluate it.

On the 8600 block of 63rd Avenue, there is rippling of the asphalt due to the sub-base having been washed out from a water main break on Pontiac Street 2 years. Another drainage problem is on 55th Avenue at the entrance to Lake Artemesia Park. After a heavy rain, a large puddle forms at a low point in the street. The may have to be regraded to make the water drain to the west side to empty into an existing underdrain, or a new drainage system installed on the other side of street. Mr. Lockley said that, with the exception of the 6300 block of Seminole Street and the 6200 block of Quebec Place, the blocks discussed tonight can be paved and their life prolonged for another 5 to 7 years.

Mayor Calvo thanked Mr. Lockley for this useful overview. He thought it would be helpful to have an annual street rating system for the entire Town layered on an electronic map. Such a map currently exists only in hard copy and shows the condition of streets marked in different colors. Ultimately, he would like to know how much money must be set aside each year to implement a rotation of road repairs that keeps all streets in good condition at all times. This will require a road rating estimate for the entire Town. He might consider issuing bonds for a large-scale project if this would generate enough savings in the unit price. In retrospect, Mayor Calvo believes that former CM Gourley may have been right in his estimate that it would take 6 cents added to the real property tax rate to finance a 25 year repair program for the Town. Like College Park and Greenbelt, he would like to establish a comprehensive plan for renovating the streets in Berwyn Heights.

**WMATA Ballew Avenue project:** TA Murphy explained that he has been notified by the Washington Metropolitan Area Transit Authority (WMATA) of plans for an addition to a building they own on Ballew Avenue. The building will become the control room for the test track WMATA will open next year between Greenbelt and College Park stations. It will provide accommodations for the operator of the equipment testing new Metro cars. The addition will require new water and sewer lines which will run from the building to the Pepco substation on Branchville Road. While the street opening will only affect the southbound lane, some traffic disruption is likely to result. The engineering contractor has offered to give a presentation to the Council if desired.

Mayor Calvo said that the contractors should be asked to perform the work according to County and Town standards, even though they are not subject to permit requirements. MPT Wilkinson and CM Kulpa-Eddy expressed concern that the heavy trucks from the industrial properties will cut through the Town. TA Murphy instructed to inform Chief Antolik of the project and have them monitor truck traffic to ensure that they won't cut through Town. No presentation was requested.

At 8:20 p.m., the Council took a 10 minute break.

**Ordinance 118 - Roads & Public Rights-of-Way:** Mayor Calvo said that tonight the Council plans to finalize the revision of Ordinance 118 for adoption at the November 13 Town meeting. It should show the changes that were made to the original Ordinance by underlining new language and striking through deleted sections. The Council then reviewed the current draft section by section.

- Section 1 - Purpose & Authority. Sections 401 (General Powers of the Town Council, 402 (Specific Powers) and 403 (Enforcement) of the Berwyn Heights Code should be referenced as the basis for regulating the public rights of way in both the adopting resolution and the Ordinance;
- Section 3 J - Definition of 'Vegetation' the words 'plants, grass and greenery' was used instead of 'vegetation.'
- Section 4 H - Standards. A specific reference to Pepco as an electric utility was deleted.
- Section 5 B - Permits The clarification 'other than routine yard maintenance of adjoining properties' was added to the provision that all vegetation management on the Town right-of-way requires a permit.
- Section 11 B - Inspections Required. The word 'will' was replaced with 'shall' to read ...'permittee shall be responsible...', and 'Town shall withhold final approval of work'...
- Section 13 B - Authority of the Town Administrator, Code and Police Departments. The word 'standards' should be returned to lower case as it is not a defined term in the Ordinance.
- Section 16 B, F - Violations. The word 'party' was changed back to 'person' which is defined as encompassing both people and corporations. Similarly, the phrase 'or his designee' was removed from the phrase 'the Town Administrator or his designee' because Town Administrator is defined as including his designee.

It was further noted that in the resolution adopting the revised Ordinance the adoption date needs to be changed. CM Kulpa-Eddy offered to help with finalizing the Ordinance.

Nothing was discussed under 2. Parks and Recreation.

### 3. PUBLIC SAFETY

**Police car replacement:** Mayor Calvo said that the Town's liability insurance carrier LGIT has declared the police vehicle involved in a September 2013 accident a total loss. LGIT will cover the replacement of the vehicle because the accident was not the fault of the Berwyn Heights police officer. However, there are some gaps in the coverage. The Council is requested to authorize the purchase of the new vehicle. The expenditure requires a budget amendment as it is not in this year's budget.

CM Kulpa-Eddy asked if the Town could add uninsured motorist coverage to its insurance so as not to have gaps in coverage in the future. TA Murphy said that he will look into whether it is available and how much it would cost. CM Almuera asked if the Town's insurance rates will go up as a result of the accident. TA Murphy said he does not think so, as the accident was not the Town officer's fault. MPT Wilkinson moved to authorize the purchase of the new vehicle. CM Dennison seconded. The motion passed 5 to 0.

### 4. PUBLIC WORKS

**Yard waste bag transition:** MPT Wilkinson said that the Town can no longer use plastic yard waste bags to dispose of yard waste. Prince George's County deems that it will no longer accept the bags starting January 1, 2014. Therefore the Council needs to make a change to its Ordinance 117 - Refuse Collection, striking references to plastic yard waste bags as an acceptable way to dispose of yard waste in Section 4 L and S. The amended language should read: "Leaves put in yard waste must be bagged in commercially-available, brown paper yard waste bags, or placed in heavy-duty garbage/refuse containers clearly identifiable as yard waste."

MPT Wilkinson asked whether the Town should provide free paper yard waste bags to ease the transition. Mayor Calvo thought the Town should do so using the money appropriated in the budget for the plastic bags. Further, the Town needs to make sure residents know of the change. TA Murphy said that he intended to send a postcard-type mailer to all Town residents in mid-December informing them of the new rules. The amendments to the Ordinance will be introduced at the November 13 Town meeting.

### 5. ADMINISTRATION

**Legislative dinner agenda:** Mayor Calvo said that he would like to make sure that the Council thanks its legislators for their assistance in obtaining grant money for emergency generators, Safe Routes to School improvements, and the new Pop's Park playground. CM Kulpa-Eddy said that the Town should provide updates on these projects stand and perhaps show before and after pictures of the new Pop's Park playground equipment. Other topics placed on the agenda include: cameras and Berwyn Heights' pedestrian safety program; school zones criteria; revised Ordinance 118 - Roads & Right-of-Ways; stormwater management regulations and proposed changes to the County's tax differential system. Mayor Calvo said he believes the plan is to switch to a rebate system, which would amount to a tax increase on the Town's residents.

**Bulletin cover:** The following items were approved for the December Bulletin cover: Christmas holiday theme; headlines for the Tree Lighting and Amendment Ordinance 117; jumps for holiday trash schedule, curbside leaf pickup ending.

**Meeting room naming, user policy:** TA Murphy said that a suggestion was made to name the new meeting room after Geraldine Love, who ran a small Town office from this location for many years. Mayor Calvo said this is probably the most appropriate way to remember the late Mrs. Love. He recently spoke with Tom Love of Geraldine Love and former Mayor of Berwyn Heights, who said that he likes the idea. He also appreciated the planting of a tree at the Town office in her memory. In addition to naming a place or building after a resident, it would be appropriate to capture the legacy and write a brief history about the person so honored. The Historical Committee might be willing to help with that.

TA Murphy said that the Council may also adopt some rules for using the space. He suggested banning drinks and food in the room, which would extend the life of the new carpet. The Council did not want to impose such a ban, as the room is intended for public use. However, there should not be a food buffet.

CM Dennison moved and MPT Wilkinson seconded naming the meeting room after Geraldine H. Love. The motion passed 5 to 0.

**Personnel manual:** Mayor Calvo said the Council agreed that the Town's personnel manual needed to be overhauled when discussing personnel change. Almoguera had offered to take the lead. She said she contacted the College Park Human Resources Department and obtained a copy of their personnel manual. However, as the City of College Park has many more employees and has a different organizational structure, the manual is not a good template for Berwyn Heights. She wonders whether it may be better to start from scratch.

Mayor Calvo said he thinks the Council should start from scratch. This does not mean that the old manual should be discarded. It provides a good starting point for personnel policies but needs to be elaborated. There are many areas that are not covered in the current manual, such as ADA compliance, appropriate work behavior and other issues. CM Kulpa-Eddy asked if there are other Towns whose manuals may be a suitable model. TA Murphy said he has not seen any that work as a good model. But there are some good ideas that the Town can adopt.

CM Almoguera said she has obtained several samples from MML geared toward Berwyn Heights. She would use these to work on a draft manual for review by the Council to start the process. MPT Wilkinson suggested that it may be better to start out with a table of contents which has topics that should be added. Mayor Calvo said that getting started is important but he does not expect a comprehensive update of the manual to be completed before the next budget season.

## 6. CODE COMPLIANCE

**Code director/supervisor position description:** TA Murphy explained that he made several changes to the position description of the code supervisor since the worksession. Apart from the introductory summary, the listing of essential functions has been put into alphabetical order for ease of use. Sections on supervisory responsibilities and responding to off-duty emergency calls have been added, while sections on the skills set, licenses and certifications have been refined. The section on working conditions has been revised to state that a code supervisor will spend considerable time in the field and will be exposed to all types of weather.

Mayor Calvo said that this description has a lot of good information but sometimes reads like a laundry list. There is so much detail it runs the risk of losing sight of the big picture. He would prefer a job description that can serve as a hiring blueprint, which focuses on the mission of the Code Department. It should say something about the character of the Town and about the type of person sought to join the team. The code enforcement job in Berwyn Heights is different than in Greenvale because it is much smaller and consists mostly of single family homes. The Code Department therefore is probably more compliance oriented, and requires a supervisor/director who is a problem solver and has good people skills.

CM Kulpa-Eddy thought that a code officer needs to combine both the enforcement and the compliance element. She agreed, however, that a good job description should describe the Town to attract the right person. It would help if the Town had a marketing plan that defines what kind of place Berwyn Heights is.

Mayor Calvo said that he would like to take the time to put together a hiring blueprint so that the Town can find a code director who is a good match for the position. Normally, a search firm handles that. But the Code Department may not justify that route. In the short term, however, the Code Department needs to be able to adequately carry out its functions.

CM Kulpa-Eddy said that the Department can probably function with the current setup until spring, but a full time supervisor should be in place when the construction season starts. She also suggested that the search firm the Town plans to hire for the administrator search might be asked to write a job description/hiring blueprint for a code director. Mayor Calvo said that seems like a good idea, and an inexpensive way to recruit two directors. TA Murphy was asked to look for a search firm that can write a hiring blueprint and do two searches.

The meeting was adjourned at 10:04 p.m.

Signed: Kerstin Harper, Town Clerk

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